

Gerrit M. Pronske
State Bar No. 16351640
Eric M. Van Horn
State Bar No. 24051465
Jason P. Kathman
State Bar No. 24070036
SPENCER FANE LLP
2200 Ross Avenue, Suite 4800 West
Dallas, TX 75201
(214) 750-3610 – Telephone
(214) 750-3612 – Telecopier
-and-
5700 Granite Parkway, Suite 650
Plano, TX 75024
(972) 324-0300 – Telephone
(972) 324-0301 – Telecopier
Email: gpronske@spencerfane.com
Email: ericvanhorn@spencerfane.com
Email: jkathman@spencerfane.com

**COUNSEL FOR THE PEOPLE OF
THE STATE OF NEW YORK, BY
LETITIA JAMES, ATTORNEY GENERAL
OF THE STATE OF NEW YORK**

James Sheehan
Pro Hac Vice
Emily Stern
Pro Hac Vice
Monica Connell
Pro Hac Vice
Stephen Thompson
Pro Hac Vice
**OFFICE OF THE ATTORNEY GENERAL
OF THE STATE NEW OF NEW YORK**
28 Liberty Street
New York, NY 10005
(212) 416-8401 – Telephone
Email: James.Sheehan@ag.ny.gov
Email: Emily.Stern@ag.ny.gov
Email: Monica.Connell@ag.ny.gov
Email: Stephen.Thompson@ag.ny.gov

**COUNSEL FOR THE PEOPLE OF
THE STATE OF NEW YORK, BY
LETITIA JAMES, ATTORNEY GENERAL
OF THE STATE OF NEW YORK**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	
	§	CASE NO. 21-30085-hdh-11
NATIONAL RIFLE ASSOCIATION	§	
OF AMERICA and SEA GIRT LLC,	§	CHAPTER 11
	§	
Debtors¹.	§	Jointly Administered

**MOTION TO EXPEDITE HEARING ON THE STATE OF NEW YORK'S
MOTION TO CONTINUE HEARING ON MOTION FOR
APPOINTMENT OF EXAMINER**

**TO THE HONORABLE HARLIN D. HALE,
CHIEF UNITED STATES BANKRUPTCY JUDGE:**

The People of the State of New York, by Letitia James, Attorney General of the State of New York ("**NYAG**"), a party in interest in the above-referenced bankruptcy case, submits this

¹ The last four digits of the Debtors' taxpayer identification numbers are: 6130 (NRA) and 5681 (Sea Girt). The Debtors' mailing address is 11250 Waples Mill Road, Fairfax, Virginia 22030.

Motion to Expedite Hearing (the “**Expedite Motion**”) on its Motion to Continue Hearing on Motion for Appointment of Examiner (the “**Continuance Motion**”). In support of the Expedite Motion, the NYAG respectfully states as follows:

1. On February 8, 2021, Phillip Journey (“**Journey**”) filed his *Motion for Appointment of Examiner* (the “**Examiner Motion**”)[Docket No. 114]. The Examiner Motion is based largely upon facts and allegations alleged in the NYAG’s enforcement complaint filed in the Supreme Court of the State of New York. The Examiner Motion is currently set for hearing on March 9, 2021.

2. The Continuance Motion requests a continuance of the March 9 hearing on the Examiner Motion such that the Examiner Motion is heard after the Dismissal Motions,² or at a minimum, at the same time as the Dismissal Motions. Because the Examiner Motion is set for hearing on March 9, 2021, the NYAG respectfully requests that the Continuance Motion be set on an expedited basis so the parties (including the Debtors) may know whether to prepare for the Examiner Motion on March 9, 2021. Further, Journey recently set a status conference on his Examiner Motion for February 24, 2021, and the NYAG accordingly requests that the Court set the Continuance Motion on February 24, 2021 to be heard and considered with the status conference.

WHEREFORE, the NYAG requests the Court enter an order setting an expedited hearing on the Continuance Motion, and for such other and further relief as the Court deems just and proper.

² Collectively, the NYAG’s *Motion to Dismiss, or, in the Alternative, to Appoint a Chapter 11 Trustee* (the “**NYAG Dismissal Motion**”)[Docket Nos. 155 and 163] and Ackerman McQueen Inc.’s (“**AMc**”) *Motion to Dismiss the Chapter 11 Bankruptcy Petition, or, in the Alternative, Motion for the Appointment of a Chapter 11 Trustee, and Brief in Support* (the “**AMc Dismissal Motion**”)[Docket No. 131].

Dated: February 22, 2021.

Respectfully submitted,

/s/ Jason P. Kathman

Gerrit M. Pronske

State Bar No. 16351640

Eric M. Van Horn

State Bar No. 24051465

Jason P. Kathman

State Bar No. 24070036

SPENCER FANE LLP

2200 Ross Avenue, Suite 4800 West

Dallas, Texas 75201

(214) 750-3610 – Telephone

(214) 750-3612 – Telecopier

-and-

5700 Granite Parkway, Suite 650

Plano, Texas 75024

(972) 324-0300 – Telephone

(972) 324-0301 – Telecopier

Email: gpronske@spencerfane.com

Email: ericvanhorn@spencerfane.com

Email: jkathman@spencerfane.com

– And –

James Sheehan

(NY Bar No. 4552055)

Emily Stern

(NY Bar No. 2647220)

Monica Connell

(NY Bar No. 3070943)

Stephen Thompson

(NY Bar No. 5390067)

**OFFICE OF THE ATTORNEY GENERAL
OF THE STATE OF NEW YORK**

28 Liberty Street

New York, NY 10005

(212) 416-8401

Email: James.Sheehan@ag.ny.gov

Email: Emily.Stern@ag.ny.gov

Email: Monica.Connell@ag.ny.gov

Email: Stephen.Thompson@ag.ny.gov

**COUNSEL FOR THE PEOPLE OF
THE STATE OF NEW YORK, BY
LETITIA JAMES, ATTORNEY GENERAL
OF THE STATE OF NEW YORK**

CERTIFICATE OF CONFERENCE

I hereby certify that, on February 19, 2021, I conferred with Jermaine Watson, counsel for Phillip Journey, regarding the relief sought in this Expedite Motion and he communicated that his client is opposed to the relief requested herein.

/s/ Jason P. Kathman
Jason P. Kathman

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2021, a true and correct copy of the foregoing Motion was served upon all parties entitled to notice, including the Debtors, United States Trustee, and Official Committee of Unsecured Creditors via the Court's electronic transmission facilities. Any further methods of service will be reflected in a supplemental certificate of service.

/s/ Jason P. Kathman
Jason P. Kathman